

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

KRISTINA LEONARD, individually, :
and as executrix of the Estate :
of Paul P. Leonard, deceased, :
and as guardian of Casey :
Leonard, a minor, :
Plaintiff, :
v. : Case No. 3:04-cv-254-KRG-KAP
COOPER INDUSTRIES, LTD., COOPER :
TOOLS, INC., COOPER HANDTOOLS, :
COOPER TOOLS, INC., a division :
of Cooper Industries, Ltd., and :
COOPER HANDTOOLS, a division of :
Cooper Industries, Ltd., :
Defendants :

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

On February 11, 2008, the Magistrate Judge filed a Report and Recommendation, docket no. 29, recommending that the defendants' motion for summary judgment, docket no. 20, be granted in part and denied in part.


The parties were notified that pursuant to 28 U.S.C. § 636(b)(1), they had ten days to serve and file written objections to the Report and Recommendation. Plaintiff filed timely objections, docket no. 32, as did defendant, docket no. 33: each party objected to the portion of the Report and Recommendation unfavorable to its motion.

However, after de novo review of the record of this matter, together with the Report and Recommendation and the objections thereto, the following order is entered:

AND NOW, this 26th day of March, 2008, it is

ORDERED that defendants' motion for summary judgment, docket no. 20, is granted as to the strict liability and breach of warranty claims and denied as to the negligence claim. The Report and Recommendation is adopted as the Opinion of the Court.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

Notice by ECF to counsel of record